WATERLOO REGIONAL POLICE SERVICE

P.O. Box 3070
200 Maple Grove Road
Cambridge, Ontario N3H 5M1
519-570-9777

FILE #230787

April 25, 2023

Jason Kranz
58 Queen Street South
Kitchener, Ontario
N2G 1V6

Dear Jason Kranz:

I am responding to your request for access to personal information, our file number 230787. Full access is granted to your own personal information as contained in the records.

Once you have received the records, please feel free to contact our office by phone at 519-570-9777, extension 8262 or by email at foi@wrps.on.ca, if you have any questions.

You may request a review of the decision to levy a fee and/or decision regarding access to the record you requested by the Information and Privacy Commissioner 2 Bloor Street East, Suite 1400, Toronto, Ontario, M4W 1A8. You have 30 days to make this appeal.

In the event you wish to do so, please provide the Commissioner's office with:

1) The file number listed at the beginning of this letter.
2) A copy of this decision letter; and
3) A copy of the original request for information you had sent to this institution (if available).

In addition, you must send a $10.00 appeal fee to the Commissioner's office. Please include the fee in your letter of appeal. Appeal fees should be in the form of a cheque, or money order, payable to the Minister of Finance.

Enclosed are the records.

Sincerely,

Katherine Keigan-Labrie

Per: Paul Cormier
Records Manager and Freedom of Information Coordinator
PC:kkl

Investigative Report

Complainant: Jason Kranz

Complaint Number: E-201901171244303981

Investigated by: Sergeant Beth Houston

Date: September 11, 2019

Summary of the Complaint

This report examines the Complainant's interaction with Constable Mike Bourdon and Constable Rob Gregory of the Waterloo Regional Police Service on August 31, 2018. It also examines an unrelated interaction the Complainant had with Constable James Hiuser of the Waterloo Regional Police Service on July 25, 2018. A brief summary of the complaints is as follows:

On August 31, 2018, the Complainant was involved in an incident, which resulted in his arrest for assault by multiple officers, including Constable Mike Bourdon and Constable Rob Gregory. The Complainant stated Constable Gregory arrived at the incident and directed him to be detained, without investigating as to why the Complainant reacted in the manner he did. The Complainant stated he did not try to flee from the police and was tasered without reason.

The Complainant stated the incident surrounding his arrest was *"blown out of proportion"* by the police. The Complainant stated Constable Bourdon reported he had kicked a witness in the head. The Complainant believed this *"inaccurate"* information resulted in him remanded to a correctional facility prior to his trial, as opposed to released on bail. During a phone conversation with the Investigator, the Complainant stated he believed Constable Bourdon had *"made up"* this information.

The Complainant stated he had an encounter with Constable James Hiuser on July 25, 2018, which he audio recorded. The Complainant stated he was walking on a roadway through a construction zone when Constable Hiuser *"came out of no where"*, *"was angry"* and threated to arrest him. The Complainant felt this situation should have been resolved in a calmer manner.

Code of Conduct Allegations

Constable Mike Bourdon

The Code of Conduct under the Police Services Act states that a member commits **Discreditable Conduct**, in that he or she, acts in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the police force

of which the officer is a member, as prescribed in section 2(1)(a)(xi) of the Code of Conduct, Regulation 268/10, as amended.

The Code of Conduct under the Police Services Act states a member commits **Neglect of Duty**, in that he or she, without lawful excuse, neglects or omits promptly and diligently to perform a duty as a member of the police force as prescribed in section 2(1)(c)(i) of the Code of Conduct, Regulation 268/10, as amended.

Constable Rob Gregory
The Code of Conduct under the Police Services Act states a member commits **Neglect of Duty**, in that he or she, without lawful excuse, neglects or omits promptly and diligently to perform a duty as a member of the police force as prescribed in section 2(1)(c)(i) of the Code of Conduct, Regulation 268/10, as amended.

Constable James Hiuser
The Code of Conduct under the Police Services Act states that a member commits **Discreditable Conduct**, in that he or she, acts in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the police force of which the officer is a member, as prescribed in section 2(1)(a)(xi) of the Code of Conduct, Regulation 268/10, as amended.

Summary of Statements – Witnesses (Civilian & Police)

Complainant's Original Written to the OIPRD (verbatim, inclusive of spelling and grammatical errors)
eMAILed recordings to oiprd@ontario.ca
I was recently arrested for some serious assaults that were blown out of proportion by the service department.

I realize now I should've acted in a calm manner and walked away looking at these recordings yes I did get angry probably unnecessarily.

I still feel ostracized by way of the most recent arrest.

Constable bourdon claimed I kicked a witness in the head, not such incidents ever occurred. I did punch one witness in the head as I felt provoked. I really shouldn't have done that, because it stemmed legal issues.

you really need to look at the crown breif; it is ugly.

as for the recording walking on the roadway; I was walking on the sidewalk plus partial roadway. There was construction going on at the time. It was actually (street) *I was walking on. The officer honestly came out of nowhere and was angry. Mainly angry because I was walking on the partial roadway.*

What was I supposed to do there was construction being done on the road. I wasn't looking for fight. The officer approached me and was angry.

There are many possible outlooks how this could have been resolved.
1) walk away
2) be more calm
3) recording conversation, for proof of interaction.

As for the most recent arrest it happened probably because of the negative interaction with the police service; Waterloo Regional Police Service. I do not hate the police. They are here to provide a function to society.

I do think however the matter could have been better managed. Officer just approached me stating you will be arrested for walking on the roadway. Interaction strange; YES.

Back to most recent detainment.

I was detained in Maplehurst custody for approximate 3 months and 16 day's. September 30th 2018 to January 16 2019.
I do believe my negative interaction with the police service helped to determine as to why I was incarcerated.

There needs to be clarification as to I did not kick any of the witness's in the head; I think police blew certain aspects of the situation out of hand.

Arrest:
a) approached hasty market for the purpose to purchase items.
b) man got into my face all excited not sure why
c) I did get mad at the man. Reacted poorly. I do admit, yes.
d) I was provoked by the interaction, however it did not give reason to hit the man
E) R. Gregory a street policeman came to the scene and stated detain him right away without looking into any investigation as to why I reacted or why the man got in my face.
f) Man was 83 years of age; And yes I look back at the situation I should not have stricken anyone. It happened, I had no idea of age.

g) I was detained quickly; subduded to the ground. Tasered. Police claim I ran off and tried to resist arrest; not such incident occurred. Ems then responded. They provided a blood sample to the police department; waterloo regional police service.

as a lengthy process in the courts nothing much got done. Always remanded. It appeared that my lawyer (Civilian Witness #1) *of* (city) *did not have confidence in the legal matter. He was more persuasive that the crown would get the witness's to lie. It is hard to determine an outcome.*

My stay at maplehurst correctional facility was fine; not real issue there. staff friendly and approachable.

Summary of Civilian Witness #5's Notebook Entries Pertaining to WRPS#18-200398
(Civilian Witness #5 is a recently retired police sergeant with the Waterloo Regional Police Service. Civilian Witness #5 was unavailable to provide a statement; however, the following is a summary of his notes from the incident)

- Dispatched to a call for service for a male punching an older male
- Suspect male described as male black, in his 30's, 5'9, medium build wearing a Patriots football jersey and grey track pants
- Constable Gregory identified the male as possibly being the Complainant and requested another unit to attend when he arrived on scene
- He arrived and observed Constable Gregory and Constable Bourdon to be fighting with the Complainant in the middle of the roadway
- He observed the two officers and the Complainant bounce off the front of a police vehicle as they struggled
- He moved in to prevent the Complainant from fleeing

- He placed the Complainant in a headlock in an attempt to take the male to the ground
- The Complainant struck him in the testicles with an *"upper cut"* and then grabbed his testicles with a clenched fist, and would not let go
- Constable Bourdon deployed the taser on the Complainant and this was effective in created neuromuscular incapacitation
- He was eventually able to pull the Complainant's hand off of his testicles
- The Complainant continued struggle and ignored commands to roll onto his stomach and place his hands behind his back
- The Complainant continued to attempt to get up
- The Taser was deployed in attempts to gain control of the Complainant
- The Complainant continued to ignore the officer's commands
- The Taser was deployed a third time and the Complainant finally rolled onto his stomach and placed his hands behind his back
- The Complainant continued to yell at police to Taser him again
- The Complainant was ultimately rip hobbled and transported to the central cellblock

Summary of Statements – Respondent Officers

Written Statement of Constable Mike Bourdon (verbatim, inclusive of spelling or grammatical errors)

This is the response to the complaint from (Complainant) *re: WA18-200398*
Brief background, which lead to the complaints:
On Friday, August 31st, 2018 at 9:35 a.m., I was working routine patrol in the city of (city) *where I responded to the area of* (address) *in regard to a male wearing a blue Tom Brady football jersey randomly assaulting people in the parking lot area, causing several injuries to people. I can remember that Cst Gregory was on foot patrol and was on scene and established grounds for the arrest of* (Complainant). *When I arrived on scene, several witnesses and victims as well as Cst Gregory pointed directly at* (Complainant) *informing me that grounds had been established for his arrest.*

I noticed (Complainant) *immediately, and identified myself as a police officer and that he was under arrest for assault. In doing so,* (Complainant) *ignored all police commands and attempted to walk away southbound across the street.*

List of complainants towards myself (Cst Bourdon) stated by (Complainant)

1. Approached (Complainant) *"aggressively"*
   Response- I had firmly established grounds for assault by numerous people including seeing three victims with injuries. I attempted to verbally communicate with (Complainant) *that he was being arrested for assault, not for walking on the roadway, which were all met with negative results. This led myself to use soft physical control techniques to effectively ensure a safe arrest. My voice was raised, due to the proximity of the bus terminal as well as several cars and persons surrounding the area, my commands were clear and blatantly disregarded several times over by* (Complainant). (Complainant) *also mentions a officer "houser" in this complaint to which I have no knowledge of this person being at the call for service.*

2. *"Cst BOURDON stated I kicked witnesses in the head and I didn't"*
   Response- I received several written statements as well as one video statement where all persons involved made reference to (Complainant) *kicking a male in the head as part of the assault. I was also able to obtain video surveillance of* (Complainant) *kicking a victim directly in the head outside on the ground in front of* (store) *where the incident took place, that is why it is included in the crown brief synopsis for court.*

3. *They said I was walking on the roadway, what was I supposed to do it was under construction"*
   Response- At no point did I say for (Complainant) *to not walk on the roadway, my thoughts and actions were only of safely effecting an arrest and to prevent any further assaults being committed by* (Complainant). *Not once did I notice construction, I only remember* (Complainant) *walking directly away from my cruiser which was parked in the middle of the street.*

4. *"The crown brief is ugly"*
   Response- The crown brief was written to the best of my ability which included all of the facts and issues regarding the incident that took place. It included all

information that had been provided to me by witnesses, victims and video surveillance.

In conclusion, the written complaint from (Complainant) *was extremely hard to read, was difficult to pin point what his actual complaint was. The dates/times and spelling made it difficult to follow up and make sense of what* (Complainant's) *concerns were. If there are any further questions or concerns, please feel free to contact me for any assistance.*

Written statement of Constable Rob Gregory (verbatim, inclusive of spelling or grammatical errors)

I am responding to the OIPRD complaint lodged by (Complainant) *about the incident that occurred on August 31, 2019.* (Complainant) *stated that I detained him without any reason and did not investigate the incident.*

When I responded to the call that day at (business) *on* (street) *I was on foot with no access to a police terminal. The information I was provided over the radio was there was a black male wearing head phones and a Tom BRADY jersey. From that description I believed it was* (Complainant).

As I was walking to the scene I was trying to figure out who was being chased as I was at the corner lot of (intersection). *I saw a van in the rear lot I asked them if any of them had been assaulted,* (Civilian Witness #2) *told me had been punched in the face and said the person that did it went towards* (business).

I walked towards the (business) *and was immediately stopped by a woman who told me that her 82 year old father had been punched in the face. She pointed to* (Complainant) *and advised me that he was the person who assaulted her father.*

It was at that time (Complainant) *approached me and immediately started video taping me and ask for my badge number and name.*

At the time (Complainant) *approached me I had already spoke to two separate people describing two separate event of unprovoked assaults and the common thread two both assaults was* (Complainant) *who was described and pointed out by both people. From that I had Reasonable Grounds to stop and arrest* (Complainant)

Investigative Report

Written statement of Constable James Hiuser (verbatim, inclusive of spelling or grammatical errors)

***Complaint filed by* (Complainant):**

I was walking on the sidewalk plus partial roadway. There was construction going on at the time. It was actually (street) *I was walking on. The officer honestly came out of nowhere and was angry. Mainly angry because I was walking on a partial roadway.*

Synopsis :

On Wednesday 25 July, 2019 , from 0700 – 1600 hrs I Cst James HIUSER was working a paid duty at (intersection) *in the City of* (city). *My duties were to protect* (business) *road crews and the public as they did construction for the light rail transit.*

At 11:24 am I was sitting in my cruiser directly behind an open road maintenance cover in a live lane of traffic, where crews were working inside. I observed the complainant stand directly in front of my cruiser and began videotaping my vehicle. The complainant was between me and the (business) *crew within the construction site on the roadway. I exited my cruiser and told the complainant that he was free to videotape but needed to exit the roadway for his safety. The complainant refused and I told him that if he did not leave the roadway he would be arrested. I than grabbed complainants arm in an attempt to direct him off the roadway. Complainant than stepped onto the LRT tracks and began yelling. Complainant asked me my name and I provided my name and badge number. I asked complainant his name and refused to provide it. The complainant than exited the LRT tracks and stepped onto the sidewalk. Once the complainant was on the sidewalk I returned to my cruiser and continued my paid duty.*

The complainant alleged that I was angry when I approached him. This was not the case I was in lawful execution of my duties by protecting the construction crew and public while the crew did roadwork on the roadway. The complainant was obstructing my duties and also placing himself in danger by not only standing within a construction zone on the roadway but also standing on the LRT tracks. I remained calm throughout my interaction with the complainant and at no time became angry. Once the complainant exited the roadway, I continued my duties.

Investigation

- Assigned and reviewed the complaint

- Requested and received statements and notes from Respondent Officers (3)
- Communicated with the Complainant via email and phone conversation
- Requested and reviewed the partial audio recording of the Complainant's interaction with Constable Hiuser
- Reviewed the Niche reports and crown brief regarding the criminal case against the Complainant

Analysis

On August 31, 2018, Waterloo Regional Police received reports of a male wearing a New England Patriots jersey, randomly assaulting people in a parking lot of the downtown area. Police responded and as a result, the Complainant was arrested and charged with three counts of Assault, Assault with Intent to Resist Arrest, as well as Escape Lawful Custody. The criminal trial resulted in the Complainant being convicted of two counts of Assault, as well as Assault with intent to resist arrest.

During this incident, the Complainant approached Civilian Witness #2, who was unknown to him, and in an aggressive manner, punched him in the face with a closed fist. The Complainant then fled the area towards a nearby convenience store, where he encountered Civilian Witness #3, an eighty-three year old man who was visiting Canada from another country. Video surveillance footage of the incident captured by a nearby business, showed the Complainant punch Civilian Witness #3 with his fist, knocking him to the ground. Because of the assault, Civilian Witness #3 sustained injuries to his face and elbow.

Civilian Witness #4 witnessed the assault on Civilian Witness #3 and attempted to intervene to assist. The Complainant grabbed Civilian Witness #4 by his shirt and pushed him onto the ground. The video recording then showed the Complainant attempt to kick Civilian Witness #4 in the head several times, using his right foot. Civilian Witness #4 was able to get his hands up to block the majority of the impacts. This assault caused minor facial injuries to Civilian Witness #4.

Upon his arrival into the area, Constable Rob Gregory spoke with Civilian Witness #2 and Civilian Witness #4 and developed reasonable grounds for the Complainant's arrest

for assault. Reasonable grounds are defined as *"a set of facts or circumstances which would cause a person of ordinary and prudent judgement to believe beyond a mere suspicion."* Constable Gregory relayed the reasonable grounds for the Complainant's arrest to Constable Mike Bourdon, who had also arrived on scene. Constable Bourdon identified himself to the Complainant as a police officer and advised the Complainant he was under arrest.

Constable Bourdon reported the Complainant attempted to walk away from him. Constable Bourdon and Constable Gregory took control of the Complainant's arms in order to affect the arrest. The Complainant began to struggle with the officers, kicking and punching towards them in an attempt to resist and flee. The officers took the Complainant to the ground to gain physical control and effect an arrest.

Civilian Witness #5 was a police sergeant at the time of this incident. He has since retired from police service. Civilian Witness #5 arrived on scene and observed Constable Bourdon and Constable Gregory involved in a physical struggle with the Complainant. Civilian Witness #5 attempted to gain control of the Complainant's hands in efforts to keep him on the ground until handcuffs could be placed on him. The Complainant punched Civilian Witness #5 in the groin area and continued to struggle.

Constable Bourdon challenged the Complainant and stated if he did not comply with their requests, he would deploy his conducted energy weapon against the Complainant. The Complainant did not comply with the demand; the conducted energy weapon was deployed and was effective in controlling the Complainant. The Complainant was arrested and taken into custody.

The Complainant attended court the following day and was remanded into custody. The Complainant remained in custody until the time of his trial. The Complainant was convicted of two counts of assault and assault with the intent to resist arrest in relation to this incident.

The Complainant stated Constable Bourdon *"made up"* the information that he had kicked someone in the head. The Complainant further stated this *"made up"*, aggravating information, was the reason he had been remanded and held in custody prior to his trail, as opposed to being released on bail.

The Investigator reviewed the written witness statements provided by the victims. In his written statement, Civilian Witness #4 stated, *"Once on the ground, he kicked me. He tried to kick me in the head but I got my arms up to block him"*. Further, Constable Bourdon reviewed video surveillance from a nearby building, which captured footage of the Complainant kicking one of the victims in the head. The Investigator spoke with the Complainant on the telephone, and he reiterated his belief Constable Bourdon had made up the information about him kicking someone in the head. The Investigator informed the Complainant she had personally reviewed a witness statement, which clearly outlined the fact the Complainant had attempted to kick one of the victims in the head. The Complainant stated to the Investigator *"Oh, I guess he didn't make it up then"*. The Complainant was satisfied with the information the Investigator provided him regarding Constable Bourdon and the information contained in the witness statement.
The Complainant stated in his written complaint that *"R. Gregory, a street policeman came to the scene and stated detain him right away without looking into any investigation as to why I reacted or why the man got in my face"*. Constable Gregory responded to a call for service, which was classified as an assault in progress. As Cst. Gregory arrived on scene, he immediately received information from a victim and a witness stating the Complainant was the person who had just committed the assaults on multiple people. Constable Gregory had sufficient details at that time to believe the Complainant had assaulted multiple people and reasonable grounds to arrest the Complainant for assault. There was no requirement for Constable Gregory to obtain the Complainant's explanation for the assault, prior to affecting that arrest. Constable Gregory had received information outlining the Complainant was responsible for multiple unprovoked assaults and correctly directed the Complainant immediately arrested to stop the continuation of violence.

The Investigator noted in his written OIPRD complaint, the Complainant admitted:

- *"I did get mad at the man. Reacted poorly. I do admit, yes."*
- *"I was provoked by the interaction, however it did not give me reason to hit the man"*
- *"Man was 83 years of age: And yes I look back at the situation I should not have striken anyone. It happened. I had no idea of age"*

The Complainant does not dispute he committed the criminal offence of assault; however felt there was justification for why he had done so.

The Complainant stated in his written complaint, *"EMS then responded. They provided a blood sample to the police department; waterloo regional police service".* This information is factually incorrect. Paramedics did attend the scene; however, their only function was to remove the Taser prongs from the Complainant's back, as per Waterloo Regional Police Service procedure. At no time was any blood sample turned over to the police.

The Complainant stated in his written complaint, *"I was detained quickly; subduded to the ground. Tasered. Police claim I ran off and tried to resist arrest; not such incident occurred."* Civilian Witness #5 documented in his notes, when he arrived on scene, he observed Constables Bourdon and Constable Gregory physically fighting with the Complainant in the middle of the roadway while attempting to arrest him. Civilian Witness #5 attempted to assist by placing the Complainant in a headlock in attempts to take him to the ground. The Complainant then punched Civilian Witness #5 in the testicles, grabbed on and would not let go. The Complainant did not comply with officer's commands and continued to physically struggle and attempt to get off the ground, even after a Taser had been deployed. The Taser was deployed three times and the Complainant eventually complied with the officer's commands and was arrested. The Complainant was convicted of Assault with Intent to Resist Arrest in relation to this incident.

In his complaint, the Complainant also refers to an unrelated interaction with Constable James Hiuser July 25, 2018. At approximately 11:30 a.m., the Complainant walked through a construction site in downtown (city). Constable Hiuser was working a paid duty at the intersection where the construction was taking place. He was specifically tasked with keeping the construction crew safe as they worked, as well as keeping pedestrian traffic away from the area due to safety concerns with the work area.

Constable Hiuser stated as he sat in his police vehicle, which was *"directly behind an open road maintenance cover in a live lane of traffic".* The Complainant stood directly in front of his police vehicle, between the cruiser and the construction crew, and appeared to be recording the police vehicle. The Complainant was within the perimeter of the construction site. Constable Hiuser instructed the Complainant that he would have to leave the roadway for his safety. When the Complainant refused, Constable Hiuser instructed the Complainant he would be arrested if he did not leave the roadway. Constable Hiuser stated by refusing to leave the area as instructed, the Complainant

was obstructing him from his duties, which was to protect the construction crew and the public while work was completed on the roadway.

Section 129 of the Criminal Code of Canada defines *Obstruction* as:
Offences relating to public or peace officer
129. Every one who
(a) resists or wilfully obstructs a public officer or peace officer in the execution of his duty or any person lawfully acting in aid of such an officer

Constable Hiuser stated the Complainant placed himself in danger by standing on the roadway within the construction zone, and standing directly on the Light Rail Transit tracks which were under construction. Constable Hiuser also had concerns for the safety of the construction crew, as the Complainant, unknown to everyone, had deliberately walked into an area, which was clearly marked as being off limits to the public with signage and appeared to be attempting to provoke the officer.

The Complainant provided the OIPRD with a partial audio recording of his interaction with Constable Hiuser. This recording was forwarded to the Investigator for review. Of note, the audio recording does not capture the beginning nor the end of their interaction. The following is a transcription of the recording provided:

Hiuser- "*If you don't identify, you're going to be arrested.*"
Complainant-"*There's laws saying I do not have to, you don't know the law. You do not know the law. Why do I have to leave the roadway?*"
Hiuser-"*You have to leave the roadway, you cannot stand on the roadway*"
Complainant- "*or I'll be arrested?*"
Hiuser- "*Yes*"
Complainant- "*For walking on a roadway?*"
Hiuser- "*Yes.*"
Complainant- "*Is that really a charge?*"
Hiuser- "*Yes, you can be arrested.*"
Complainant- "*And what's your name? Mr. Houser?*"
Hiuser- "*Yes, my name is Constable Hiuser, my badge number is #1054. What is your name?*"
Complainant- "*None of your business.*"
Hiuser- "*Okay, well, leave the roadway.*"
Complainant- "*No. Do not touch me.*"

Hiuser- "*Leave the roadway now.*"
Complainant- "*Do not touch me.*"
Hiuser- "*Stay off the road.*"
Complainant- "*Do not touch me.*"
Hiuser- "*Stay off the road.*"
Complainant- "*DO NOT TOUCH ME.*"
Hiuser- "*You are causing a disturbance.*"
Complainant- "*You are causing a big disturbance, and you are harassing me and touching me for no reason. Look at the marks.*"
Complainant- "*Do not follow me and harass me. This civilian police officer, Waterloo Regional Civilian Police. CBJ 180, Civilian Police, Waterloo Regional Civilian Police.*"
The recording ends.

The Investigator acknowledges Constable Hiuser could have done a better job with articulating the safety concerns of the situation to the Complainant. It may have proven helpful if Constable Hiuser had explained by not following his lawful directions, the Complainant was committing the criminal offence of obstruction. The lack of more fulsome communication left the Complainant with the impression Constable Hiuser was threatening to arrest him for simply waking on a roadway.

Constable Hiuser stated the Complainant became angry during their interaction and was yelling at him. A review of the audio recording corroborated the Complainant was screaming loudly at Constable Hiuser. The escalated behaviour displayed by the Complainant prevented Constable Hiuser from having a fulsome conversation with the Complainant to explain the situation and the safety concerns. Constable Hiuser remained calm throughout the interaction, speaking in a calm and professional manner. He identified himself with his name and badge number when requested by the Complainant. Constable Hiuser stated as soon as the Complainant stepped off the roadway and onto the sidewalk, he disengaged his interaction with the Complainant and resumed his assigned duties.

The Complainant stated Constable Hiuser *"came out of nowhere and was angry"*. Constable Hiuser reported he took notice of the Complainant when he stood in front of his police vehicle, between the vehicle and the construction crew and began to apparently record Constable Hiuser. The Complainant stated this interaction should have been handled in a *"calmer manner"*. The audio recording does not reflect that Constable Hiuser was angry at any time throughout his interaction with the

Complainant. Conversely, the Investigator noted Constable Hiuser remained calm and professional throughout his interaction with the Complainant. The Complainant was the only person heard on the audio recording to be upset and yelling.

The Investigator reached out to the Complainant on multiple occasions to determine whether there was further information he wished to provide regarding his complaint. The Complainant did not attempt to return the Investigators messages.

Conclusion

Police responded to reports of a male assaulting several people in the downtown area. Upon arrival, Constable Rob Gregory received information from several witnesses and victims who identified the Complainant as the suspect. Constable Gregory formed reasonable grounds for the Complainant's arrest, and articulated these grounds to Constable Mike Bourdon who had also arrived on scene. Constable Gregory's priority was stopping the unprovoked assaults on multiple people. Constable Gregory and Constable Bourdon attempted to arrest the Complainant, however a physical struggle ensued which resulted in the Complainant assaulting Civilian Witness #5. A Taser was deployed and ultimately the Complainant was placed under arrest. The Complainant was convicted of Assault to Resist Arrest in relation to his assault on Civilian Witness #5.

Constable Bourdon prepared the required paperwork, and provided information to the court, which he obtained directly from witness and victim statements collected at the scene. Constable Bourdon did not make up or falsify any information to embellish the facts in issue of the assaults committed by the Complainant.

Based on the totality of the information, the allegations of Neglect of Duty and Discreditable conduct as they relate to Constable Mike Bourdon are unsubstantiated

Constable Gregory arrived on scene and obtain eyewitness accounts, which identified the Complainant as the suspect in the incident. Constable Gregory correctly established reasonable grounds for the Complainant's arrest. Based on the totality of the information, the allegation of Discreditable Conduct as they relate to Constable Rob Gregory are unsubstantiated.

Constable Hiuser was working a paid duty, tasked with providing security to the construction crew completing roadwork. Another of Constable Hiuser tasks was to ensure the safety of the community by keeping pedestrian traffic away from the unsafe work area. The Complainant walked into the restricted work area and began recording Constable Hiuser, in attempts to provoke him. Constable Hiuser remained calm and professional throughout his dealings with the Complainant. Based on the information, the allegation of discreditable conduct against Constable James Hiuser is unsubstantiated.

Referenced Information

- Partial audio recording of the interaction between the Complaint and Constable James Hiuser
- Emails sent from the Complainant to the OIPRD
- Ontario Police Service's Act
- Criminal Code of Canada
- The crown brief synopsis for the assault investigation

Investigators

Sergeant Beth Houston, #948

Supervisor/Manager

Staff Sergeant Lackovic, #741